IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

WP(C).No. 27447 of 2006(P)

PETITIONER:

K.R. ARAVINDAKSHAN PILLAI, AGED 59,
PRAKASH BHAVAN, INCHAKKADU, KAKKAKUNNU,
SASTAMKOTTA, KOLLAM-690 522.

BY ADV. SRI.P.V.LONACHAN
SRI.R.MURALEEDHARAN PILLAI
SRI.P.G.PRESANNAKUMAR
SRI.J.MADHUSOODANAN PILLAI

RESPONDENTS:
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1. THE MANAGER,
KSFE LTD., KOLLAM.

2. THE SPECIAL DEPUTY TAHSILDAR,
KSFE LTD., KOLLAM.

3. THE HEADMISTRESS,
SM HSS, PATHARAM, KOLLAM.

4. THE DEPUTY DIRECTOR OF EDUCATION,
KOLLAM.

5. THE SUB TREASURY OFFICER,
SUB TREASURY, SASTAMKOTTA.

6. THE ACCOUNTANT GENERAL (A & E), KERALA,
OFFICE OF THE ACCOUNTANT GENERAL,
THIRUVANANTHAPURAM.

7. SHAMMI P.,
THOPPILVADAKKEDATH, PERINGALA P.O., KAYAMKULAM.

R4 TO R6 BY G.P. SRI. P.N. SANTHOSH
R3 BY ADV. SRI.C.RAJENDRAN
SRI.SHIRAZ ABDULLA
R1 AND R2 SRI.M.L.SAJEEVAN, SC, KSFE LTD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 COPY OF THE COMMUNICATION DATED 4.1.2006 ISSUED BY THE 6TH RESPONDENT.

EXT.P2 COPY OF THE COMMUNICATION DATED 15.3.2006 ISSUED BY THE 5TH RESPONDENT.

EXT.P3 COPY OF THE LETTER ISSUED BY THE 4TH RESPONDENT.

EXT.P4 COPY OF THE PROHIBITORY ORDER DATED 26.7.2005 ISSUED BY THE 2ND RESPONDENT.

EXT.P5 COPY OF THE STAY ORDER IN I.A.NO. 722 OF 2004 IN O.S.NO. 277 OF 2004 DATED 30.11.2004

1ST RESPONDENT'S EXHIBITS:

EXT.R1(a) TRUE COPY OF THE ORDER DATED 15.11.2006 IN WPC 27447 OF 2006

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 27447 OF 2006

Dated this the 20th day of August, 2007

JUDGMENT

Petitioner's retirement benefits, namely, DCRG is withheld pursuant to garnishee orders issued by KSFE for recovery of arrears of loan taken by the 7th respondent for whom petitioner stood as surety. 7th respondent obviously is stated to have no assets to clear the arrears. Even though statement is filed by KSFE, the rate of interest charged is not mentioned. In any case, I feel since the rate of interest itself is quite high, petitioner can be granted complete waiver of penal interest and collection charges, if arrears are paid from out of withheld DCRG. W.P. is accordingly disposed of directing the first respondent to give a statement showing the liability exclusive of penal interest and collection charges to the third respondent for making payment after recovering so much of the amount for payment to KSFE as stated above. Fourth respondent will issue appropriate directions to the third respondent to recover from DCRG of the petitioner so much of the amount as stated above and for releasing the balance amount to the

petitioner within a period of six weeks from the date of production of a copy of this judgment by the petitioner. It will be open to the petitioner to proceed for recovery against the 7th respondent in accordance with law.

(C.N.RAMACHANDRAN NAIR)
Judge